

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CLARENCE JUPITER,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CIVIL ACTION NO. 3:13-cv-1544

(JUDGE CAPUTO)

ORDER

NOW, this d⁸th day of May, 2014, upon review of the Report and Recommendation of Magistrate Judge Carlson (Doc. 38) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 38) is **ADOPTED**.
- (2) The Defendant's Motion to Dismiss (Doc. 26) is **GRANTED**. Plaintiff's Complaint will be **DISMISSED without prejudice**.
- (3) Plaintiff may **Re-File** his Complaint as a new action within **twenty (20) days** of the date of entry of this order, now that he has fully exhausted his administrative tort claim.
- (4) The clerk of court is directed to mark this case as **CLOSED**.



A. Richard Caputo
United States District Judge